



Agenda Date: 05/15/02

Agenda Item: IIIF

STATE OF NEW JERSEY

Board of Public Utilities

*Two Gateway Center
Newark, NJ 07102*

CABLE TELEVISION

IN THE MATTER OF COMCAST)	<u>DECISION AND ORDER</u>
CABLEVISION OF AVALON, LLC;)	
COMCAST CABLEVISION OF WILDWOOD,)	
INC. REQUEST FOR WAIVER, <u>NUNC</u>)	
<u>PRO TUNC</u> , OF NOTICE FOR UPGRADE)	
OF CABLE TELEVISION SYSTEM)	DOCKET NO. CO02040251

(SEE ATTACHED SERVICE LIST)

BY THE BOARD:

On April 18, 2002, Comcast Cablevision of Avalon, LLC and Comcast Cablevision of Wildwood, Inc. ("Comcast" or "Petitioners") filed a letter, in lieu of Petition, with the Board requesting a waiver of the time requirement for providing notice of a proposed system upgrade of the cable television system in their Avalon and Wildwood cable systems.

Comcast began construction on May 1, 2002. Approval of the waiver will allow Comcast to complete the project without delay and to enable the company to provide its subscribers with advanced broadband services, such as high speed Internet service and digital cable television, in time for the beginning of the summer vacation season.

Current plans call for construction to be completed on or about June 15, 2002, and an upgrade from the current 550 MHz of bandwidth to a 860 MHz fully interactive, two-way system. Upon completion of the upgrade, the systems will be able to launch Comcast High Speed Internet service, Comcast Digital Cable and will be capable of delivering video on demand ("VOD") and high definition television ("HDTV") in the near future.

A waiver of N.J.A.C. 14:18-7.4 is necessary in order to allow construction to begin as quickly as possible.

Both the Staff and the Deputy Attorney General assigned to this matter support the approval of the waiver, nunc pro tunc.

The Petitioner serves approximately 44,475 subscribers residing in Avalon Borough, Middle Township, Sea Isle City, Stone Harbor Borough, Upper Township, Cape May City Cape May Point Borough, Lower Township, Middle Township, North Wildwood City, West Cape My Borough, West Wildwood Borough, Wildwood City and Wildwood Crest Borough.

Municipal officials were notified of the proposed system upgrade by letter on April 17, 2002. Subscribers were notified through advertisements in newspapers of general circulation on April 19, 2002.

The OCTV Staff recommends that the Board grant a waiver, nunc pro tunc, of the thirty (30) day notice period requirement to subscribers, the OCTV and affected municipalities under N.J.A.C. 14:18-7.4. The Deputy Attorney General assigned to this matter concurs with Staff's recommendation.

Having reviewed this matter, the Board HEREBY FINDS that the waiver, of the notice period requested, is appropriate and is necessary for immediate compliance with State regulations. Therefore, the Board HEREBY APPROVES, nunc pro tunc, Petitioners' request for waiver of notification requirements as hereinabove described.

DATED: May 16, 2002

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CAROL J. MURPHY
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO
SECRETARY

**IN THE MATTER OF
COMCAST CABLEVISION OF AVALON, LLC AND COMCAST CABLEVISION OF
WILDWOOD, INC. REQUEST FOR WAIVER, NUNC PRO TUNC, OF THIRTY DAY NOTICE
PERIOD**

DOCKET NO. CO02040251

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